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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,031	10/29/2003	Brian Mann	SAVCOR.1C2CP1	1212
20995 7590 KNORRE MARTI	04/09/200 ENS OLSON & BE.	EXAMINER		
2040 MAIN STRE	EET	BERTRAM, ERIC D		
FOURTEENTH F IRVINE, CA 9261			ART UNIT	PAPER NUMBER
,,			3766	
SHORTENED STATUTORY PI	ERIOD OF RESPONSE	NOTIFICATION DATE	DELIVER	Y MODE
31 DAY	S	04/09/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 31 DAYS from 04/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com eOAPilot@kmob.com

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	Application No.	Applicant(s)				
OFF: - A - 4: - O	10/698,031	MANN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Carl H. Layno	3766				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 29 Oc	ctober 2003.					
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3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-146 is/are pending in the application	. ' 1.					
4a) Of the above claim(s) is/are withdraw	· ·	•				
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.		·				
7) Claim(s) is/are objected to.	•					
8) Claim(s) 1-146 are subject to restriction and/or	election requirement.					
Application Papers						
9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
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Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. ☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
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Attachmont/o)						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:	Patent Application				

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-101, 119-125 and 146 are drawn to apparatus' for treating cardiovascular disease including cardiac rhythm management devices (CRM), classified in class 607, subclass 9.
- II. Claims 102-118 and 126-145 are drawn to apparatus' for treating cardiovascular disease utilizing a general purpose "signaling device" for supplying patient treatment, classified in class 607, subclass 2 and class 606 subclass 41.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Groups I and II are directed to related cardiac treatment devices. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed provide different kinds of cardiovascular treatment and are not capable of use together.

Specifically, those of Group II may treat cardiovascular disease using stimulators not necessarily limited to cardiac rhythm management devices (CRMs) such as pacemakers or defibrillators. In their broadest context, the claims of Group II, as written, may utilize vagal nerve stimulators and ablation devices, both of which also produce "treatment signals". Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Art Unit: 3766

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (571) 272-4949. The examiner can normally be reached on 9/4/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CARL LAYNO
PRIMARY EXAMINER

Cal H. Fayor

CHL 4/2/2007